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B/S/14

AO 91 (Rev. 01/09) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the  
Southern District of Texas

United States Courts  
Southern District of Texas  
FILED

DEC 30 2013

United States of America )

v. )

MARIUS ALEXANDRU ENESCU,  
a/k/a Gilbert Valdez, a/k/a Joseph Cross,  
a/k/a Tom Murphy )

Defendant )

David J. Bradley, Clerk of Court

Case No. H-13-mj-1251

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of \_\_\_\_\_ in the county of Harris in the Southern District of  
Texas, the defendant violated 18 U. S. C. §1349 & 1543, an offense described as follows:

Title 18, United States Code, Section 1349  
Title 18, United States Code, Section 1543

Conspiracy to commit wire fraud  
Passport fraud

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.



Complainant's signature

Special Agent Adam Kremer, DSS

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/30/2013



Judge's signature

City and state: Houston, Texas

Hon. Nancy K. Johnson, USMJ

Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Adam Kremer, being first duly sworn, hereby depose and state as follows:

**Introduction**

1) This affidavit is submitted in support of a criminal complaint charging Marius Alexandru ENESCU. a/k/a Gilbert Valdez, a/k/a Joseph Cross, and a/k/a Tom Murphy ("ENESCU"), a Romanian citizen and National, with conspiracy to commit wire fraud in violation of Title 18, United States Code, Section 1349, and passport fraud in violation of Title 18, United States Code, Section 1543.

2) I am a Special Agent with the United States Department of State, Diplomatic Security Service (DSS). I have been so employed since approximately September 2011. I am currently assigned to the Houston Field Office. As part of my official duties, I investigate criminal violations of federal laws, including, but not limited to, the use of counterfeit passports, visas and other fraudulent identity documents. I have received specialized training in the investigation and prosecution of the manufacture and use of counterfeit passports, visas and other fraudulent identity documents. I am trained and authorized to investigate the offenses alleged herein.

3) The facts set forth in this complaint are based on my personal knowledge and review of records, documents, and other physical evidence obtained during this investigation, as well as information conveyed to me by other law enforcement officials and private persons. All observations referenced in this Complaint that were not made by me were related to me by the person who made such observations. Unless specifically indicated, all conversations and statements described in this complaint are related in substance and in part only and are not intended to be a verbatim recitation of such statements.

4) Since this complaint is being submitted for the limited purpose of establishing probable cause, it does not include each and every fact known to or observed by me. I have set forth only those facts necessary to support a finding of probable cause.

#### **The Investigation**

5) Since at least early 2013, DSS has been investigating scheme in which individuals attempting to purchase used vehicles are defrauded. Typically, during the scheme, a victim responds via email to an advertisement listing a vehicle for sale. The sale is negotiated by email and the victim is instructed to wire full or partial payment, via MoneyGram,<sup>1</sup> to a particular individual who is purportedly to hold the payment in escrow until the vehicle is delivered. After the victim wires the money, the vehicle is not delivered and the victim's money is not returned. As described in more detail below, the investigation has revealed that, in connection with this scheme, ENESCU, using several different aliases, has received funds sent via MoneyGram to different Wal-Mart locations in and around Houston, Texas. When collecting the funds, ENESCU has presented purported United States Passports bearing the names of the aliases in which he collected the funds.

#### **ENESCU Fraudulently Collects Money Using the Aliases Gilbert Valdez, Joseph Cross, and Tom Murphy**

6) MoneyGram records regarding transaction at Wal-Mart store #3213 (located in the Woodlands, Texas) reflect the following transactions:

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<sup>1</sup> MoneyGram offers (among other services) worldwide money transfer services through a global network of more than 284,000 agent locations including retailers, international post offices and financial institutions – in 197 countries and territories.

- a) MoneyGram Reference Number 77898773: Gilbert Valdez received \$2,500 on February 1, 2013 and presented United States (U.S.) Passport, number 271905528, as proof of identification (the "Valdez Transaction").<sup>2</sup>
- b) MoneyGram Reference Number 43006102: Joseph Cross received \$2,110 on February 11, 2013 and presented U.S. Passport, number 200971926, as proof of identification (the "Cross Transaction").
- c) MoneyGram Reference Number 44642243: Tom Murphy received \$2,000 on February 20, 2013 and presented U.S. Passport, Number 201567335, as proof of identification (the "Murphy Transaction").

7) Records maintained by the U.S. Government reflect that the U.S. Passports identified above, numbers 271905528, 200971926 and 201567335, have not been issued to Valdez, Cross and Murphy, respectively. U.S. Passport number 271905528 (the purported Valdez passport) is not a valid U.S. Passport number. U.S. Passport numbers 200971926 and 201567335 were issued to individuals other than Joseph Cross and Tom Murphy.

8) Receipts maintained by Wal-Mart store #3213 relating to the Valdez, Cross, and Murphy Transactions were submitted for latent fingerprint analysis and were found to bear ENESCU's fingerprints, as described below:

- a) The receipt for the Valdez Transaction bears the latent fingerprints of ENESCU's left middle finger, right middle finger, right thumb, and right index finger.
- b) The receipt for the Cross Transaction bears the latent fingerprints of ENESCU's left little finger and left middle finger.

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<sup>2</sup> Although MoneyGram records the passport number presented as identification by a money transfer recipient, MoneyGram does not retain a photocopy of the passport itself.

- c) The receipt for the Cross Transaction bears the latent fingerprints of ENESCU's left thumb and left index finger.

9) Travel records reflect that ENESCU entered the U.S. through the International Airport Houston Port of Entry, pursuant to a nonimmigrant tourist visa, on January 27, 2013, and remained in the United States through the time of the Valdez, Cross, and Murphy Transactions.

10) I have compared ENESCU's visa application photograph to the video surveillance associated with the Valdez, Cross, and Murphy Transactions and have concluded that ENESCU is the person shown conducting those transactions in the surveillance footage.

11) The MoneyGram receipt for the Valdez Transaction lists the sender of the funds as a particular individual located in Lake Mary, Florida ("Victim 1"). The receiver is listed as Gilbert Valdez, 318 Madison Ave, Conroe, TX 77318.

12) Review of various databases reflects that the address "318 Madison Avenue" does not exist in Conroe, Texas.

13) Victim 1 advised that, during the course of attempting to purchase a particular vehicle, he/she had been instructed to send \$2,500 to Gilbert Valdez via MoneyGram. Victim 1 further explained that he/she never received the vehicle he/she sought to purchase, never received a refund, and stated that he/she is no longer in communication with the vehicle's purported seller.

14) The MoneyGram receipt for the Cross Transaction lists the sender of the funds as a particular individual located in Middleton, Idaho ("Victim 2"). The receiver is listed as Joseph Cross, 511 Williams Rd., Conroe, TX 77308.

15) Review of various databases reflects that 511 Williams Road, Conroe, Texas, is not a valid address, and that no Joseph Cross is associated with 511 South Williams Rd. or 511 East Williams Road (both of which are valid addresses in Conroe, although they both lie in the 78303 ZIP code, rather than 78308).

16) Victim 2 advised that, during the course of attempting to purchase a particular vehicle, he/she had been instructed to send \$2,110 to Joseph Cross via MoneyGram. Victim 2 further explained that he/she never received the vehicle he/she sought to purchase, never received a refund, and stated that he/she is no longer in communication with the vehicle's purported seller.

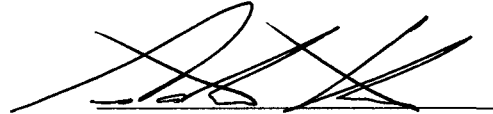
17) The MoneyGram receipt for the Murphy Transaction lists the sender of the funds as a particular individual located in Florissant, Missouri ("Victim 3"). The receiver is listed as Tom Murphy, 3090 S. Ocean Dr., Miami, FL 33201.

18) Review of various databases reflects that no individual named Tom Murphy is associated with the address 3090 S. Ocean Dr., Miami, FL 33201.

19) Victim 3 advised that, during the course of attempting to purchase a particular vehicle, he/she had been instructed to send \$2,000 to Tom Murphy via MoneyGram. Victim 3 further explained that he/she never received the vehicle he/she sought to purchase, never received a refund, and stated that he/she is no longer in communication with the vehicle's purported seller.

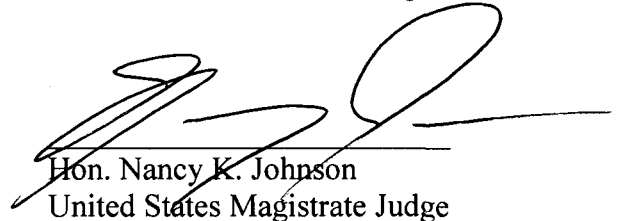
**Conclusion**

20) Based on the foregoing, I believe there is probable cause to believe that Marius Alexandru ENESCU has conspired to commit wire fraud, in violation of Title 18, United States Code, Section 1349 and to commit passport fraud, in violation of Title 18, United States Code, Section 1543.



Adam Kremer  
Special Agent  
Diplomatic Security Service

Sworn to and subscribed before me this 30th day of December, 2013, and I find probable cause.



Hon. Nancy K. Johnson  
United States Magistrate Judge